

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #10	CCRB Case #: 201510371	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/02/2015 11:00 PM	Location of Incident: [REDACTED]	Precinct: 62	18 Mo. SOL 6/2/2017	EO SOL 6/2/2017	
Date/Time CV Reported Wed, 12/02/2015 11:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/08/2015 10:30 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Christophe Dixon	03117	928206	062 PCT
2. POM Joseph Lavelle	12702	946631	062 PCT
3. SGT Eric Waldhelm	4523	947589	062 PCT
4. POM Thomas Citera	15181	945590	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Adam Torres	00000	932040	062 PCT
2. POM Aniello Napoli	10513	946699	062 PCT
3. LT Christophe Cunha	00000	899097	062 PCT
4. POM John Wygand	16282	939719	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Christophe Dixon	Discourtesy: At [REDACTED] in Brooklyn, Sgt. Christopher Dixon spoke discourteously to [REDACTED]	[REDACTED]
B.POM Thomas Citera	Discourtesy: At [REDACTED] in Brooklyn, PO Thomas Citera spoke discourteously to [REDACTED]	[REDACTED]
C.POM Joseph Lavelle	Abuse: At [REDACTED] in Brooklyn, PO [REDACTED] ph Lavelle searched the vehicle in which [REDACTED] was an occupant.	[REDACTED]
D.SGT Christophe Dixon	Abuse: At [REDACTED] in Brooklyn, Sgt. Christopher Dixon searched the vehicle in which [REDACTED] was an occupant.	[REDACTED]
E.SGT Christophe Dixon	Abuse: At the 62nd precinct stationhouse, Sgt. Christopher Dixon authorized the strip search of [REDACTED]	[REDACTED]
F.SGT Eric Waldhelm	Force: At the 62nd precinct stationhouse, Sgt. Eric Waldhelm used a taser against [REDACTED]	[REDACTED]
G.POM Joseph Lavelle	Force: At the 62nd precinct stationhouse, PO [REDACTED] ph Lavelle used physical force against [REDACTED]	[REDACTED]
H.SGT Christophe Dixon	Force: At the 62nd precinct stationhouse, Sgt. Christopher Dixon used physical force against [REDACTED]	[REDACTED]
I.SGT Christophe Dixon	Force: At the 62nd precinct stationhouse, Sgt. Christopher Dixon used a chokehold against [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
J.SGT Christophe Dixon	Force: At the 62nd precinct stationhouse, Sgt. Christopher Dixon restricted [REDACTED] breathing.	[REDACTED]
K.SGT Christophe Dixon	Discourtesy: At the 62nd precinct stationhouse, Sgt. Christopher Dixon spoke discourteously to [REDACTED]	[REDACTED]

Case Summary

On December 2, 2015, at approximately 11:00 p.m. [REDACTED] was traveling alone to a friend's house located on [REDACTED] in Brooklyn. During his drive, [REDACTED] received a phone call from his ex-girlfriend, [REDACTED]. [REDACTED] pulled over to answer the call, and parked his vehicle in front of a driveway located at [REDACTED] in Brooklyn. As [REDACTED] spoke on the phone, Sgt. Christopher Dixon, PO Joseph Lavelle, and PO John Wygand approached Sgt. Dixon's vehicle. Sgt. Dixon greeted [REDACTED] requested his license and registration, and allegedly instructed [REDACTED] to "get the fuck out of the car" (**Allegation A**). [REDACTED] alleged that throughout their interaction, Sgt. Dixon made numerous discourteous statements to him involving the word fuck (**Allegation A**). [REDACTED] exited from his vehicle, and Sgt. Dixon asked [REDACTED] if he had anything illegal. [REDACTED] disclosed that he had a small knife he used for work inside of his vehicle. Sgt. Dixon instructed [REDACTED] to stand at the rear of his vehicle and face in the opposite direction. Around this time, PO Aniello Napoli and PO Thomas Citera of the 62nd precinct anti-crime team drove by the location and stopped to assist. While at the rear of his vehicle with PO Citera, [REDACTED] attempted to turn around and watch Sgt. Dixon. PO Citera allegedly told [REDACTED] to "stop fucking looking" (**Allegation B**). PO Lavelle and Sgt. Dixon recovered a gravity knife and scale containing drug residue from [REDACTED] vehicle (**Allegation C, Allegation D**). [REDACTED] was subsequently placed under arrest on a top charge of criminal possession of a weapon and transported to the 62nd precinct stationhouse (Board Review 1).

At the 62nd precinct stationhouse, Sgt. Dixon authorized a strip search of [REDACTED] (**Allegation E**). PO Lavelle and PO Wygand strip searched [REDACTED] inside a bathroom at the 62nd precinct stationhouse. During the strip search, PO Lavelle informed [REDACTED] that he observed something in his buttocks. [REDACTED] denied that anything was concealed in his rectum. PO Lavelle allegedly attempted to remove the item from [REDACTED] buttocks, but no contact was made. [REDACTED] described that he moved his body back and forth which prevented PO Lavelle from removing the object. Around this time, PO Lavelle called for assistance and multiple additional officers arrived at the bathroom, identified by the investigation as Sgt. Dixon, Lt. Adam Torres, Sgt. Eric Waldhelm, and Lt. Christopher Cunha. [REDACTED] was tasered by Sgt. Waldhelm (**Allegation F**). [REDACTED] was subdued by the taser and went down to the ground. While [REDACTED] was on the ground, PO Lavelle allegedly stood with his foot on [REDACTED] head (**Allegation G**). Sgt. Dixon brought [REDACTED] back into the bathroom, and allegedly pushed [REDACTED] into a bathroom wall (**Allegation H**). Sgt. Dixon then allegedly grabbed [REDACTED] by the throat, which partially restricted [REDACTED] breathing (**Allegation I, Allegation J**). PO Lavelle then allegedly punched [REDACTED] twice on the left side of his face (**Allegation G**). [REDACTED] asked Sgt. Dixon if he could put on his clothes, and Sgt. Dixon allegedly informed [REDACTED] Dixon he "wasn't putting on shit" (**Allegation K**). An ambulance arrived at the 62nd precinct stationhouse, and [REDACTED] was transported to [REDACTED] Hospital where the taser prongs were removed from his body without additional incident. There is no video footage of the incident.

This case was submitted for closure past the 90 day benchmark for the following reasons. Though the case was assigned to Investigator Fenkel on December 10, 2015, and contact attempts were initiated to [REDACTED] on December 11, 2015, [REDACTED] did not contact the CCRB until

December 28, 2015. On December 28, 2015, [REDACTED] scheduled a CCRB interview for January 4, 2016. However, [REDACTED] cancelled this interview and was unavailable to be rescheduled prior to January 18, 2016. [REDACTED] ultimately appeared at the CCRB on January 18, 2016, nearly 6 weeks after his complaint was initially received. Additionally, [REDACTED] complaint involved numerous officers, numerous allegations, and two incident locations, which resulted in lengthy and detailed officer interviews. This case was submitted for closure less than 2 weeks after the last officer interview was conducted.

Mediation, Civil and Criminal Histories

- As a result of [REDACTED] arrest without a desk appearance ticket, this case was unsuitable for mediation.
- [REDACTED] has not filed a notice of claim regarding the incident (Board Review 2).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving [REDACTED] (Board Review 4).
- Sgt. Dixon has been a member of service for 14 years and has had 10 prior CCRB complaints filed against him involving 20 allegations, none of which have been substantiated § 87(2)(g) [REDACTED] (Board Review 5).
- PO Lavelle has been a member of service for 7 years and has had 4 prior CCRB complaints filed against him involving 6 allegations, none of which have been substantiated § 87(2)(g) [REDACTED] (Board Review 5).
- Sgt. Waldhelm has been a member of service for 7 years and has had 3 prior CCRB complaints filed against him involving 3 allegations, none of which have been substantiated or § 87(2)(g) [REDACTED] (Board Review 5).
- PO Citera has been a member of service for 8 years and has had 2 prior CCRB complaints filed against him involving 3 allegations, none of which have been substantiated or § 87(2)(g) [REDACTED] (Board Review 5).

Attempts to Identify Civilian Witnesses

- The CCRB made the following attempts to identify civilian witnesses of the incident:
 - A search of Lexis Nexis for [REDACTED] yielded results for [REDACTED] a resident of [REDACTED] in Brooklyn. Lexis Nexis did not list a telephone number for [REDACTED]. On February 9, 2016, and February 16, 2016, please call letters were mailed to [REDACTED]. To date, none of the letters sent to [REDACTED] have been returned as undeliverable by the U.S. Postal Service, and [REDACTED] has not contacted the CCRB regarding this case.
 - The CCRB contacted [REDACTED] ex-girlfriend, [REDACTED] who acknowledged that she was on the phone with [REDACTED] and briefly overheard him interact with officers before he ended the call. [REDACTED] did not raise any allegations of police misconduct.

Findings and Recommendations

Explanation of Subject Officer Identification

██████████ described that during his interaction with Sgt. Dixon, PO Lavelle, and PO Wygand, approximately 2 to 3 additional officers arrived at the location. ██████████ alleged that one of these officers, described as a white male with reddish hair, standing approximately 5'6" tall, with a slightly muscular build, in his early thirties, and dressed in plainclothes, told ██████████ to "stop fucking looking" while he stood at the rear of his vehicle. The investigation identified PO Citera and PO Napoli as the only additional officers who responded to ██████████ arrest location. In his CCRB interview, PO Citera acknowledged that he spoke with ██████████ at the rear of his vehicle. PO Citera provided his pedigree information in his CCRB interview report sheet, which identified him as a ██████████-year-old white male with blonde hair, blue eyes, weighting 190 pounds and standing 5'7" tall (Board Review 6). PO Citera's pedigree information is somewhat similar to the physical description provided by ██████████. In contrast, PO Napoli's pedigree information identified him as a ██████████-year-old white male, with brown hair and brown eyes, weighing 300 pounds and standing 5'10" tall (Board Review 7). Based on these factors, a discourtesy allegation has been pleaded against PO Citera.

§ 87(2)(g) ██████████

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Allegation A – Discourtesy: At ██████████ in Brooklyn, Sgt. Christopher Dixon spoke discourteously to ██████████.

Allegation B – Discourtesy: At ██████████ in Brooklyn, PO Thomas Citera spoke discourteously to ██████████.

It remains disputed as to whether or not Sgt. Dixon and PO Citera spoke discourteously to ██████████ at ██████████ in Brooklyn.

In his CCRB statement, ██████████ testified that Sgt. Dixon greeted him and asked for his license and registration, which he provided. Sgt. Dixon allegedly told ██████████ "Do me a favor, get the fuck out of the car." Sgt. Dixon twice told ██████████ to "get the fuck off the

phone.” [REDACTED] ended his phone call, and asked Sgt. Dixon why he needed to get out of the vehicle. Sgt. Dixon allegedly replied, “Just get the fuck out of the car” and allegedly told [REDACTED] to “shut the fuck up.” [REDACTED] exited his vehicle, and stood at the rear of his vehicle with PO Citera. While standing at the rear of his vehicle, [REDACTED] attempted to turn his head to observe what Sgt. Dixon was doing, and PO Citera allegedly told [REDACTED] “stop fucking looking” (see [REDACTED] CCRB testimony).

§ 87(2)(g) [REDACTED]
[REDACTED] In his initial phone call, [REDACTED] alleged that an officer described only as a white male in plainclothes stood with him at the back of his vehicle and allegedly told [REDACTED] to “turn the fuck around or we’ll turn you around.” [REDACTED] did not raise any discourtesy allegations against Sgt. Dixon in his initial phone call with the CCRB (see [REDACTED] phone statement).

In her phone statement to the CCRB, [REDACTED] ex-girlfriend, [REDACTED] acknowledged that she was on the phone with [REDACTED] at the time of the incident. [REDACTED] overheard the officer say “get off the phone, hang up the phone” but could not make out exactly what the officer said. [REDACTED] could not recall anything else that was said to [REDACTED]. [REDACTED] ended the call and told [REDACTED] he would call her back (see [REDACTED] phone statement).

Sgt. Dixon testified that PO Lavelle spoke first with [REDACTED] on the driver’s side of his vehicle. Sgt. Dixon stood on the passenger’s side of [REDACTED] vehicle with PO Wygand. Sgt. Dixon was unable to recall the exact details of the conversation between PO Lavelle and [REDACTED] but in sum and substance, PO Lavelle verbally identified himself as a police officer and requested [REDACTED] license and registration. PO Lavelle asked [REDACTED] to step out of the vehicle. Sgt. Dixon denied that he told [REDACTED] to “get the fuck out of the car” and denied that he told [REDACTED] to “shut the fuck up.” Sgt. Dixon could not recall if [REDACTED] was on his cell phone, and denied that he told [REDACTED] Marque to “get the fuck off the phone.” [REDACTED] exited his vehicle, and stood on the sidewalk with Sgt. Dixon and PO Wygand. [REDACTED] spoke to Sgt. Dixon about how he is staying out of trouble and was in the area to pick up a girl. Sgt. Dixon denied that any other officer told [REDACTED] to “stop fucking looking.” Sgt. Dixon denied that he or any other officer used profanity towards [REDACTED] at any point (see Sgt. Dixon’s CCRB testimony).

PO Lavelle acknowledged that he initiated conversation with [REDACTED] but could not recall the specific details of their conversation. PO Lavelle could not recall if Sgt. Dixon spoke with [REDACTED] from the passenger’s side of the vehicle, and did not recall hearing Sgt. Dixon tell [REDACTED] to “shut the fuck up”, “get the fuck out off the phone”, or to “get the fuck out of the car.” PO Lavelle could not recall which officer stood with [REDACTED] at the rear of his vehicle, as he was occupied with retrieving the knife from [REDACTED] driver’s side footwell (see PO Lavelle’s CCRB testimony).

PO Wygand was unable to recall specifically who said what to [REDACTED] when the officers approached his vehicle. PO Wygand did not hear Sgt. Dixon tell [REDACTED] to “shut the fuck up”, “get the fuck off the phone” or to “get the fuck out of the car.” After [REDACTED] exited from his vehicle, PO Wygand stood with him at the rear of his vehicle. PO Wygand asked [REDACTED] what his name was, where he lived, and what he was doing in the area. PO Wygand described [REDACTED] demeanor as compliant, and denied that any officer told [REDACTED] to “stop fucking looking” (see PO Wygand’s CCRB testimony).

PO Citera and PO Napoli testified that by the time they arrived on the scene [REDACTED] was already outside of his vehicle. Neither PO Citera nor PO Napoli heard Sgt. Dixon use any profanity towards [REDACTED]. PO Citera acknowledged that he stood with [REDACTED] at the rear of his vehicle, and [REDACTED] asked why he was stopped and insisted he was not doing anything wrong. PO Citera could not recall where [REDACTED] appeared to be looking, and noted that though [REDACTED] was not permitted to “dance in the middle of the street” [REDACTED] was able to turn his body. PO Citera denied that he told [REDACTED] to “stop fucking looking”. PO Napoli could not recall which officer stood with [REDACTED] at the rear of his vehicle, and denied that he heard any officer tell [REDACTED] to “stop fucking looking” (see PO Citera and PO Napoli’s CCRB testimonies).

§ 87(2)(g)

Allegation C – Abuse of Authority: At [REDACTED] in Brooklyn, PO Joseph Lavelle searched the vehicle in which [REDACTED] was an occupant.

Allegation D – Abuse of Authority: At [REDACTED] in Brooklyn, Sgt. Christopher Dixon searched the vehicle in which [REDACTED] was an occupant.

It is undisputed that PO Lavelle and Sgt. Dixon searched [REDACTED] vehicle. § 87(2)(g)

[REDACTED] testified that after he exited from his vehicle, Sgt. Dixon asked if he had anything illegal. [REDACTED] disclosed that he had a small knife in his vehicle which he used for work. The knife was stored inside [REDACTED] center console. [REDACTED] described that his knife had a blade less than 4 inches long, and it required two hands to open. While standing at the rear of his vehicle, [REDACTED] observed Sgt. Dixon search his vehicle and recover [REDACTED] knife, and a scale containing drug residue. [REDACTED] denied that the scale was his, and denied that he ever saw the scale (see [REDACTED] CCRB testimony).

PO Lavelle testified that as he approached the driver’s side of [REDACTED] vehicle, he observed [REDACTED] look down by his right sneaker and move something near the floorboard. PO Lavelle shined his flashlight, and observed a glimpse of a knife handle. Believing there was a weapon in the vehicle, PO Lavelle feared for his safety, and immediately asked [REDACTED] to step out of his vehicle. PO Lavelle could not recall if there was any conversation with [REDACTED] regarding weapons prior to the observation of the knife, and PO Lavelle did not recall if [REDACTED] disclosed he had the knife for work. After [REDACTED] exited from the vehicle, PO Lavelle retrieved the knife from the drivers’ side footwell. PO Lavelle did not recall if he or any other officers searched any other areas of [REDACTED] vehicle. Upon retrieving the knife, PO Lavelle determined that it was a gravity knife because it opened with centrifugal force. PO Lavelle informed Sgt. Dixon that he recovered a gravity knife, and [REDACTED] was placed under arrest. As PO Lavelle handcuffed [REDACTED] Sgt. Dixon informed PO Lavelle that he recovered a scale containing drug residue from [REDACTED] vehicle. PO Lavelle did not know more specifically where Sgt. Dixon recovered the scale from, and PO Lavelle could not recall if he had observed the scale in [REDACTED] vehicle (see PO Lavelle’s CCRB testimony).

Sgt. Dixon testified that as he approached on the passenger’s side of [REDACTED] vehicle, [REDACTED] appeared to be “stooped down.” Sgt. Dixon could not make out what [REDACTED]

██████ was doing, and ██████ hands were not visible. As PO Lavelle spoke with ██████ on the driver's side, Sgt. Dixon stood on the passenger's side and observed a scale on the front passenger's side floor of ██████ vehicle. Nearly simultaneously, PO Lavelle informed Sgt. Dixon that there was a knife inside of ██████ vehicle. Sgt. Dixon did not overhear ██████ disclose that he had a knife, and PO Lavelle did not inform Sgt. Dixon where the knife was observed, how he learned of the knife, or what kind of knife it was. From the passenger's side, the knife was not visible to Sgt. Dixon. PO Lavelle instructed ██████ to exit his vehicle, and Sgt. Dixon conversed with ██████ on the sidewalk as PO Lavelle retrieved the knife from the driver's side floor. Sgt. Dixon denied that PO Lavelle searched any other areas of ██████ vehicle. PO Lavelle brought the knife to Sgt. Dixon, who determined it was a gravity knife because it opened with centrifugal force. ██████ was placed under arrest for criminal possession of a weapon, at which point Sgt. Dixon recovered the scale from the front passenger's side floor. Sgt. Dixon denied that any additional areas of ██████ vehicle were searched (see Sgt. Dixon's CCRB testimony).

PO Wygand testified that while he stood with ██████ at the rear of his vehicle, PO Lavelle recovered a knife from ██████ vehicle. PO Wygand initially testified that the knife was in plain view as soon as ██████ driver's side door was opened. However, later in his interview, PO Wygand clarified that he never observed the knife first-hand, and was informed of its location by PO Lavelle. PO Wygand never learned specifically where in ██████ vehicle the knife was retrieved from. Upon discovery of the knife, ██████ was placed under arrest for criminal possession of a weapon. Incident to what PO Wygand believed was a lawful arrest, PO Lavelle searched ██████ vehicle and recovered a scale with drug residue. PO Wygand could not describe the search, or what door of ██████ vehicle PO Lavelle entered through. PO Wygand did not observe PO Lavelle recover the scale; PO Lavelle informed PO Wygand of the scale's recovery later on. PO Wygand denied that he saw any other officer search ██████ vehicle.

PO Citera did not observe any officers enter ██████ vehicle. PO Citera denied that he participated in any search of ██████ vehicle, and did not see any officer recover contraband from ██████ vehicle (see PO Citera's CCRB testimony). PO Napoli did not recall if ██████ vehicle was searched, nor did he recall seeing any officers search ██████ vehicle (see PO Napoli's CCRB testimony).

§ 87(2)(g)

Allegation E – Abuse of Authority: At the 62nd precinct stationhouse, Sgt. Christopher Dixon authorized the strip search of ██████.

It is undisputed that Sgt. Dixon authorized the strip search of ██████ at the 62nd precinct stationhouse.

§ 87(2)(g) described that immediately after he was logged in at the stationhouse desk, PO Lavelle brought § 87(2)(g) to a bathroom and strip searched him. § 87(2)(g) denied that he made any movements during his transport to the stationhouse (see § 87(2)(g) CCRB testimony).

PO Lavelle testified that as he walked § 87(2)(g) inside of the 62nd precinct stationhouse, he observed § 87(2)(g) hand in the rear of his pants between his undergarments and his skin. § 87(2)(g) moved his hand in a digging motion, which led PO Lavelle to believe § 87(2)(g) was concealing something. At the 62nd precinct stationhouse desk, § 87(2)(g) continued to bury his hand in the rear of his pants, and PO Lavelle informed Sgt. Dixon of § 87(2)(g) actions, at which point Sgt. Dixon authorized a strip search (see PO Lavelle's CCRB testimony).

§ 87(2)(g) Sgt. Dixon testified that PO Lavelle informed him § 87(2)(g) appeared to conceal something in the rear of his pants. Based on the information provided by PO Lavelle, Sgt. Dixon authorized a strip search of § 87(2)(g) because § 87(2)(g) could have been concealing a weapon or evidence. Sgt. Dixon did not first-hand observe § 87(2)(g) make any movements indicative of concealment, and authorized the strip search solely based on the information from PO Lavelle. Lt. Cunha was also informed about the strip search. No other officers needed to be notified as Sgt. Dixon was PO Lavelle's immediate supervisor (see Sgt. Dixon's CCRB testimony).

Lt. Cunha acknowledged he was present at the stationhouse desk while § 87(2)(g) was logged in by Sgt. Dixon. Nothing about § 87(2)(g) behavior stood out to Lt. Cunha, and Lt. Cunha did not observe § 87(2)(g) make any movements indicative of concealment. Lt. Cunha testified that Sgt. Dixon, the immediate supervisor of PO Lavelle, was responsible for authorizing the strip search. Lt. Cunha did not see § 87(2)(g) do anything which would have warranted a strip search (see Lt. Cunha's CCRB testimony).

PO Wygand entered the 62nd precinct stationhouse after he secured § 87(2)(g) vehicle, at which point, he observed § 87(2)(g) standing at the stationhouse desk with PO Lavelle. Sgt. Dixon instructed PO Lavelle and PO Wygand to conduct a strip search of § 87(2)(g). PO Wygand was unaware of what led Sgt. Dixon to order a strip search, and PO Wygand did not observe § 87(2)(g) make any movements indicative of concealment (see PO Wygand's CCRB testimony).

Neither Lt. Torres, Sgt. Waldhelm, PO Citera, nor PO Napoli had any information relevant to the circumstances of § 87(2)(g) strip search (see Lt. Torres, Sgt. Waldhelm, PO Citera, and PO Napoli's CCRB testimonies).

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According to Patrol Guide Procedure 208-05, a strip search may be conducted with the approval of the arresting officer's immediate supervisor, if the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in their clothing in such a manner that they may not be discovered by previous search methods (Board Review 10). § 87(2)(g)

Allegation F – Force: At the 62nd precinct stationhouse, Sgt. Eric Waldhelm used a taser against [REDACTED].

It is undisputed that Sgt. Waldhelm used a taser against [REDACTED]. [REDACTED] testified that during the strip search, PO Lavelle informed him he observed contraband concealed in his rectum. [REDACTED] denied that he had anything hidden in his rectum. PO Lavelle allegedly attempted to spread apart [REDACTED] buttocks to remove the item from [REDACTED] rectum, but [REDACTED] thwarted PO Lavelle's efforts by moving his body back and forth to evade PO Lavelle. PO Lavelle did not cavity search [REDACTED]. At some point, PO Lavelle called for assistance from additional officers. [REDACTED] continued to evade PO Lavelle by moving his body back and forth, at which point, [REDACTED] was tasered by Sgt. Waldhelm (see [REDACTED] CCRB testimony).

PO Lavelle testified that during the strip search, he instructed [REDACTED] to turn around and squat, at which point he observed a small clear plastic bag with a rock substance in it, believed to be crack, inside [REDACTED] rectum. PO Lavelle asked [REDACTED] to remove this item – [REDACTED] was not handcuffed at this time, and [REDACTED] used his fingers to insert it further into his buttocks. PO Lavelle denied that he attempted to remove the item from [REDACTED]. Fearing for [REDACTED] safety, PO Lavelle attempted to handcuff [REDACTED]. PO Lavelle reached for [REDACTED] arms, and [REDACTED] jerked his hands away and swung his elbow at PO Lavelle. PO Lavelle attempted to manipulate [REDACTED] arms into handcuffs, but [REDACTED] swung his arms, ducked down, and pushed off the bathroom wall to prevent PO Lavelle from handcuffing him. PO Lavelle ordered [REDACTED] to "stop" and "get on the ground", but [REDACTED] continued to flail his arms and move evasively away from the handcuffs. PO Lavelle yelled out for assistance and numerous officers responded to the bathroom, including Sgt. Waldhelm, Sgt. Dixon, Lt. Cunha, and Lt. Torres. [REDACTED] continued to flail his arms to evade being handcuffed, and Sgt. Waldhelm tasered [REDACTED]. The taser appeared to strike [REDACTED] incorrectly, as [REDACTED] was not affected by it and continued to flail his arms, ball his fists, and throw his elbows. Sgt. Waldhelm tasered [REDACTED] a second time, which effectively subdued [REDACTED] and allowed PO Lavelle and the officers to place [REDACTED] arms into handcuffs (see PO Lavelle's CCRB testimony).

PO Wygand corroborated PO Lavelle's account of the [REDACTED] strip search. Upon being instructed to squat and cough, PO Wygand observed [REDACTED] blade his body and use his fingers to push a piece of plastic, commonly used in the packaging of narcotics, into his rectum. PO Wygand and PO Lavelle instructed [REDACTED] to stop, and PO Wygand was concerned [REDACTED] could hurt himself. PO Wygand did not recall if [REDACTED] was asked to remove the item, and denied that any officer attempted to remove the item from [REDACTED] rectum. PO Lavelle and PO Wygand ordered [REDACTED] to put his hands side-by-side to be handcuffed for his safety, but [REDACTED] refused and flailed his arms. [REDACTED] pushed PO Lavelle and PO Wygand away, and moved his body back into the bathroom wall to evade the

officers. Additional officers arrived for assistance, including Sgt. Waldhelm. [REDACTED] continued to ignore instructions to put his hands behind his back, and positioned his arms and backside against the bathroom wall. Sgt. Waldhelm tasered [REDACTED] PO Wygand stepped back, not knowing how [REDACTED] body would react to being tasered. When PO Wygand stepped back, he accidentally stepped out of the bathroom for about one minute. PO Wygand returned to the bathroom, and officers were successfully able to bring [REDACTED] hands into handcuffs (see PO Wygand's CCRB testimony).

Sgt. Waldhelm testified that he ran to the male prisoner bathroom after hearing an officer yell for help. Sgt. Waldhelm observed [REDACTED] screaming, yelling, and swinging his arms in a forward motion in an attempt to hit PO Lavelle. PO Lavelle ordered [REDACTED] to stop resisting and to turn around, but [REDACTED] continued to flail his arms, and Sgt. Waldhelm deployed his taser on [REDACTED]. Sgt. Waldhelm noted that only one of the taser prongs struck [REDACTED]. Since the taser circuit was incomplete, it was not effective on [REDACTED] who continued to flail his arms. Sgt. Waldhelm utilized the taser in dry stun mode, and as a result, [REDACTED] immediately went down to his knees and officers ultimately were able to handcuff him (see Sgt. Waldhelm's CCRB testimony).

Sgt. Dixon, Lt. Cunha, and Lt. Torres corroborated the testimonies provided by PO Lavelle, PO Wygand, and Sgt. Waldhelm. Sgt. Dixon, Lt. Cunha, and Lt. Torres arrived at the bathroom after hearing a commotion, specifically indescribable screaming and yelling sounds. Sgt. Dixon, Lt. Cunha, and Lt. Torres each testified that [REDACTED] flailed his arms, moved around to evade the officers from gaining control of his hands, and disregarded multiple commands to stop, at which point Sgt. Waldhelm deployed his taser (see Sgt. Dixon, Lt. Cunha, and Lt. Torres' CCRB testimonies).

Sgt. Waldhelm's use of a taser against [REDACTED] was consistently documented in multiple police records such as the medical treatment of prisoner form, the UF49, Sgt. Waldhelm's memo book, and the firearms discharge report (Board Review 13, Board Review 17, Board Review 18, Board Review 19).

§ 87(2)(g)

Allegation G – Force: At the 62nd precinct stationhouse, PO Joseph Lavelle used physical force against [REDACTED].

§ 87(2)(g)

[REDACTED] described that after he was tasered, he went down to the floor. Approximately 6 officers arrived and held [REDACTED] to the ground, including PO Lavelle, who stood with his foot on [REDACTED] head for approximately 30 seconds. In his initial phone statement, [REDACTED] alleged that officers kicked him while he was on the ground; [REDACTED] did not describe this force in more detail or attribute it to PO Lavelle (see [REDACTED] phone statement). [REDACTED] was then brought back into the bathroom by PO

Lavelle and Sgt. Dixon, and PO Lavelle allegedly punched [REDACTED] twice on the left side of his face with a closed fist. [REDACTED] alleged that he sustained bruising to the side of his face as a result of PO Lavelle's punches (see [REDACTED] CCRB testimony). In his initial phone statement, [REDACTED] consistently alleged that PO Lavelle punched him (see [REDACTED] phone statement).

§ 87(2)(b)

PO Lavelle testified that after [REDACTED] was tasered by Sgt. Waldhelm, officers were able to manipulate [REDACTED] arms and place them into handcuffs; [REDACTED] was outside of the bathroom at this time. PO Lavelle denied that he or any other officers used any additional physical force to handcuff [REDACTED] and PO Lavelle denied that he placed his foot on [REDACTED] head. After [REDACTED] was handcuffed, PO Lavelle brought [REDACTED] back into the bathroom to wait until EMTs arrived, as [REDACTED] was completely naked. PO Lavelle did not recall if any other officers were present inside the bathroom at this time. PO Lavelle denied that he punched [REDACTED] in the face (see PO Lavelle's CCRB testimony).

Sgt. Dixon testified that [REDACTED] was successfully subdued by the taser, at which point the officers were able to successfully handcuff [REDACTED]. Sgt. Dixon denied that PO Lavelle placed his foot on [REDACTED] head or punched [REDACTED] in the face (see Sgt. Dixon's CCRB testimony).

PO Wygand denied that he saw PO Lavelle place his foot on [REDACTED] head. After [REDACTED] was handcuffed, PO Wygand and PO Lavelle brought [REDACTED] back into the bathroom to wait for EMTs due to [REDACTED] nudity. PO Wygand denied that PO Lavelle had any additional physical contact with [REDACTED] and denied that PO Lavelle punched [REDACTED] in the face (see PO Wygand's CCRB testimony).

Lt. Cunha and Lt. Torres corroborated that [REDACTED] was subdued by the taser, at which point officers were able to successfully place his hands into handcuffs. No additional physical force was necessary, and neither Lt. Cunha nor Lt. Torres saw PO Lavelle place his foot on [REDACTED] head. Lt. Torres denied that [REDACTED] was brought back into the bathroom, while Lt. Cunha did not recall. Neither Lt. Cunha nor Lt. Torres observed PO Lavelle use any physical force as alleged by [REDACTED] (see Lt. Cunha and Lt. Torres' CCRB testimonies).

Sgt. Waldhelm testified that he returned to the stationhouse desk to prepare administrative paperwork after [REDACTED] was handcuffed, and denied that he witnessed any of the allegations raised by [REDACTED] (see Sgt. Waldhelm's CCRB testimony).

§ 87(2)(g)

§ 87(2)(g)

Allegation H – Force: At the 62nd precinct stationhouse, Sgt. Christopher Dixon used physical force against [REDACTED].

Allegation I – Force: At the 62nd precinct stationhouse, Sgt. Christopher Dixon used a chokehold against [REDACTED].

Allegation J – Force: At the 62nd precinct stationhouse, Sgt. Christopher Dixon restricted [REDACTED] breathing.

Allegation K – Discourtesy: At the 62nd precinct stationhouse, Sgt. Christopher Dixon spoke discourteously to [REDACTED].

§ 87(2)(g)

After [REDACTED] was brought back into the bathroom by PO Lavelle and Sgt. Dixon, Sgt. Dixon allegedly pushed [REDACTED] against a bathroom wall, and wrapped his hand around [REDACTED] neck. [REDACTED] alleged that Sgt. Dixon applied pressure to his neck for approximately one minute, which partially restricted his breathing. [REDACTED] was not doing anything with his body at this time as he lost all energy after being tasered. EMTs arrived at the stationhouse to transport [REDACTED] to § 87(2)(b) Hospital. Inside of the bathroom, [REDACTED] asked Sgt. Dixon if he could put his clothing back on. Sgt. Dixon allegedly informed [REDACTED] he “wasn’t putting on shit” (see [REDACTED] CCRB testimony). [REDACTED] did not raise any of the above allegations against Sgt. Dixon in his initial phone call with the CCRB (see [REDACTED] phone statement).

At [REDACTED] Hospital, [REDACTED] complained only of injuries sustained by the taser, and abrasions to his head and shoulder. [REDACTED] did not raise force allegations against Sgt. Dixon or complain about his breathing being restricted in any statements made to medical personnel. § 87(2)(b)

PO Lavelle denied that Sgt. Dixon pushed [REDACTED] into the bathroom wall, and denied that Sgt. Dixon made any physical contact with [REDACTED] neck or used any other physical force which may have restricted [REDACTED] breathing. [REDACTED] was transported to the hospital while wearing a sheet provided by the EMTs. PO Lavelle did not recall if he heard Sgt. Dixon tell [REDACTED] he “wasn’t putting on shit” (see PO Lavelle’s CCRB testimony).

Sgt. Dixon denied that [REDACTED] was ever taken back into the bathroom after he was tasered. Similarly, Sgt. Dixon denied that he pushed [REDACTED] into a bathroom wall, denied that he made physical contact with [REDACTED] neck, and denied using any physical force which could have restricted [REDACTED] breathing. Sgt. Dixon could not recall what [REDACTED] wore to the hospital and denied that he told [REDACTED] he “wasn’t putting on shit” (see Sgt. Dixon’s CCRB testimony).

PO Wygand could not recall if Sgt. Dixon was present inside the bathroom with him, PO Lavelle, and [REDACTED]. PO Wygand denied that Sgt. Dixon made any physical contact with [REDACTED] neck or did anything which may have restricted [REDACTED] breathing. When [REDACTED] left the 62nd precinct stationhouse, he wore sheets provided by EMTs. At the time of the EMTs arrival, Sgt. Dixon was at the stationhouse desk and had no additional interaction with

Neither Lt. Cunha nor Lt. Torres observed Sgt. Dixon use any physical force as alleged by [REDACTED] and neither Lt. Cunha nor Lt. Torres heard Sgt. Dixon tell [REDACTED] he “wasn’t putting on shit” (see Lt. Cunha and Lt. Torres’ CCRB testimonies). Sgt. Waldhelm testified that he returned to the stationhouse desk to prepare administrative paperwork after [REDACTED] was handcuffed, and denied that he witnessed any of the allegations raised by [REDACTED] (see Sgt. Waldhelm’s CCRB testimony).

§ 87(2)(g)

Investigator:	<u>Signature</u>	<u>Print</u>	<u>Date</u>
Squad Leader:	<u>Title/Signature</u>	<u>Print</u>	<u>Date</u>
Reviewer:	<u>Title/Signature</u>	<u>Print</u>	<u>Date</u>